

IN THE COURT OF APPEALS OF IOWA

No. 13-0623
Filed June 11, 2014

STATE OF IOWA,
Plaintiff-Appellee,

vs.

ROSCOE LEE WALLACE,
Defendant-Appellant.

Appeal from the Iowa District Court for Woodbury County, Timothy T. Jarman, District Associate Judge.

A defendant claims his attorney was ineffective in failing to file a timely motion to suppress evidence obtained in a warrantless search of a vehicle in which he was a passenger. **AFFIRMED.**

Martha M. McMinn, Sioux City, for appellant.

Thomas J. Miller, Attorney General, Darrel Mullins, Assistant Attorney General, Patrick Jennings, County Attorney, and Kevin Bell, Assistant County Attorney, for appellee.

Considered by Vaitheswaran, P.J., and Tabor and Bower, JJ.

VAITHESWARAN, P.J.

Roscoe Lee Wallace appeals his judgment and sentence for possession of marijuana, third offense. He contends his attorney was ineffective in failing to file a timely motion to suppress evidence obtained following a warrantless search of a vehicle in which he was a passenger.

“Ordinarily, ineffective assistance of counsel claims are best resolved by postconviction proceedings to enable a complete record to be developed and afford trial counsel an opportunity to respond to the claim.” *State v. Truesdell*, 679 N.W.2d 611, 616 (Iowa 2004). We conclude the record is inadequate to resolve Wallace’s ineffective-assistance-of-counsel claim on direct appeal. Accordingly, we preserve the claim for postconviction-relief proceedings.

AFFIRMED.